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and cc i.rosales@kids-alliance.org

[DATE]

The Honorable Eloise Gómez Reyes

Chair, Assembly Committee on Human Services

State Capitol, Room 2175

Sacramento, California 95814

**RE: AB 2124 (Stone) Ensuring Probate Court Refers Cases Involving Allegations of Abuse and Neglect to Child Welfare & Supporting Families Through Guardianship – SUPPORT**

Dear Assemblymember Reyes:

[Organization name] supports AB 2124 (Stone) which seeks to support and protect the rights of children, parents and relative caregivers.

[Paragraph about organization and interest in the bill.]

Stable placements with loving caregivers and supports and services that attend to the needs of the child are core to achieving well-being for children who cannot remain safely in the home of their parent. For this reason, relatives are the preferred placement for a child who cannot remain in the home of a parent. However, research reveals that many children are not being formally placed with a relative but instead are being diverted to care by a relative at the urging of a child welfare worker who fails to file a petition with the dependency court or follow state-sanctioned voluntary placement procedures. Instead, the child welfare worker identifies and instructs a relative to secure a guardianship through probate court.

When children are diverted from the foster care system to a relative’s home, the supports, rights, services, and representation provided through foster care are denied to the child, parent, and the caregiver. Diversion away from foster care also means that the child and caregiver do not receive support through the child welfare system, including monthly financial support, education rights, case management, and other supportive services. Beyond access to the services, “[t]he absence of a change in legal custody can also raise ques*t*ions about kinship caregivers’ authority to make health care, educational, or other decisions for children in kinship caregivers’ home.”[[1]](#footnote-1) In short, Probate court guardianships are simply not designed to actively promote the health, welfare, and safety of abused or neglected children; protect their parents’ rights; and support relative guardianships.

AB 2124 supports children, parents and guardians by reverting to prior law requiring cases alleging child abuse or neglect to be referred to the county child welfare agency for investigation ensuring that children who are victims of abuse or neglect receive appropriate support and that the due process rights of children and parents are protected; clarifying that granting a temporary guardianship through the probate court does not limit the juvenile court’s authority to commence dependency proceedings, and ensuring that children ordered into a guardianship through the dependency court in lieu of adjudicating the child a dependent can receive funding through the Kinship Guardianship Assistance Payment (Kin-GAP) program.

For these reasons, [Organization] is pleased to support AB 2124 and respectfully requests your AYE vote in committee.

Sincerely,

[Name]

[Title, Organization]

1. Josh Gupta-Kagan, *America’s Hidden Foster Care System,* 72 Stanford Law Review (forthcoming 2020), p.37. [↑](#footnote-ref-1)